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2 UNITED STATES BANKRUPTCY COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 Case No. 05-44481-rdd

6 | In the Matter of:

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8 DPH HOLDINGS CORP., et al.,

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10 | Reorganized Debtors.

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14 | United States Bankru

15 | 300 Quarropas Street

16 | White Plains, New York

17

18 March 18, 2011

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21 | B E F O R E :

22 HON. ROBERT D. DRAIN

23 U.S. BANKRUPTCY JUDGE

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2 Hearing re: Proposed Forty-Second Claims Hearing Agenda

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4 Hearing re: Proposed Sixty-Fourth Omnibus Hearing Agenda

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24 Transcribed by: Hana Copperman

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2 A P P E A R A N C E S :

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4 Attorneys for the Debtors

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8 BY: JOHN K. LYONS, ESQ. (TELEPHONICALLY)

9 MICHAEL PERL, ESQ. (TELEPHONICALLY)

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1 P R O C E E D I N G S

2 THE COURT: Okay. In re DPH Holdings.

3 MR. LYONS: Good morning, Your Honor. John Lyons on
4 behalf of DPH Holdings reorganized debtors. We have two -- we
5 have our omnibus hearing and our claims hearing, and all the
6 matters for both hearings are uncontested.

7 THE COURT: Right. And just for your information
8 there's no one here in the courtroom on those matters, so
9 there's not only no contest in writing but no one is here in
10 person to address them.

11 MR. LYONS: Okay. Well, very good, Your Honor. I can
12 go through these matters very, very quickly and --

13 THE COURT: Okay.

14 MR. LYONS: -- and then we will submit orders. First
15 of all, with the claims hearing, there is what I will call the
16 VEBA committee motion. That matter has been adjourned by the
17 parties, and we understand that the VEBA committee and the 1114
18 committee are considering to make a motion which would be heard
19 next April. So there's nothing today on that matter, but we
20 believe that that is going to be adjourned to next April's
21 omnibus hearing.

22 THE COURT: Okay.

23 MR. LYONS: The next matter, the Wiegel Tool matter,
24 that has been already resolved by a stipulation that Your Honor
25 has signed.

1 THE COURT: Right.

2 MR. LYONS: And the final matter on the omnibus
3 hearing is the Pronesti matter, Charlene Pronesti. That claim
4 related to alleged wrongful termination that was prior to the
5 first administrative bar date. Ms. Pronesti did not file her
6 claim in a timely manner, and pursuant to Your Honor's late
7 claims protocol we served a notice on Ms. Pronesti informing
8 her that she was required to file a motion for leave to file a
9 late claim or the underlying claim, which was filed late, would
10 be expunged. No response has been made. No motion has been
11 filed. So we would, with your permission, we'll submit an
12 order that would expunge that late claim.

13 THE COURT: Okay. You can do that. The claim was
14 filed, basically, five months after the administrative claims
15 bar date, so it would not be timely and would be subject to
16 disallowance unless a motion had been made under Pioneer, which
17 hadn't been done, so you can submit that order.

18 MR. LYONS: Thank you, Your Honor. Now, turning to
19 the forty-second claims hearing agenda, the first two matters,
20 the Bing Metals and the Pioneer matters have been resolved
21 pursuant to a stipulation that Your Honor has already entered,
22 so those two matters have been resolved.

23 THE COURT: Right.

24 MR. LYONS: And the final matter is the claim of
25 International Rectifier. We have, pursuant to the claims

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1 protocol we have filed our statement of disputed issues in
2 support of our claim objection. International Rectifier has
3 not responded. There are a number of reasons why we are
4 seeking to have that claim disallowed, including that the claim
5 relates to pre-petition shipments for the most part. This has
6 been asserted as an administrative claim, and because we do not
7 believe it would constitute a valid administrative claim either
8 under a reclamation claim theory under the prior lien defense,
9 which Your Honor has ruled on, and, also, they filed that admin
10 claim, from what we understand, under 503(b)(9), which, of
11 course, was not in force at the time the case was filed.

12 The other bases to object to this claim were that the
13 invoices related to claims against non-debtors, invoices that
14 had been paid, price discrepancies, which we believe they
15 wrongfully calculated, and, then, certain invoices were
16 submitted without proof of delivery.

17 So, all in all, our reconciled amount was zero. They
18 have never responded to that, and we'd request your Court to
19 disallow that claim based upon no opposition.

20 THE COURT: Okay. I will do that, but -- well, the
21 issue is whether the proposed order should break it out as
22 you've just broken it out.

23 MR. LYONS: We'd be prepared just to rely on our
24 papers and submit a very plain form of order that would just
25 disallow the claim.

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1 THE COURT: Okay. And not deal separately with the
2 priority issues.

3 MR. LYONS: No, we would just rely on the papers and
4 the submissions that we made in support of our objection.

5 THE COURT: I think the papers were clear enough on
6 that, and there's been, really, no opposition on any of the
7 issues raised, so I'm comfortable with that.

8 MR. LYONS: Okay. Thank you, Your Honor. We will
9 submit both orders. We do not have anything else on either the
10 omnibus or the claims agenda, and we appreciate Your Honor's
11 letting us call in to this hearing since it was not opposed.

12 THE COURT: Okay. Very well. So I'll look for those
13 orders and they'll get entered.

14 MR. LYONS: Thank you, Your Honor.

15 THE COURT: Thank you.

16 MR. LYONS: Permission to leave?

17 THE COURT: Yes.

18 MR. LYONS: Thank you.

19 (Whereupon these proceedings were concluded at 10:46 AM)

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RULINGS

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6 Granting of Request to Expunge Charlene

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7 Pronesti's Claim

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9 Granting of Request to Disallow International

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10 Rectifier Corporation's Claim

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C E R T I F I C A T I O N

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4 I, Hana Copperman, certify that the foregoing transcript is a
5 true and accurate record of the proceedings.

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Hana
Copperman

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Date: March 22, 2011

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